

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	Criminal No. 4:15-cr-0564-S3
	§	
ROBERTO CORTEZ	§	

**INFORMATION OF PRIOR CONVICTION/NOTICE OF
ENHANCEMENT OF PUNISHMENT PURSUANT TO TITLE 21, UNITED
STATES CODE, SECTION 851**

COMES NOW, the United States of America, by and through Ryan K. Patrick, United States Attorney in and for the Southern District of Texas, and Anibal J. Alaniz, Assistant United States Attorney, and hereby files this Information of Prior Conviction/Notice of Enhancement Punishment pursuant to Title 21, United States Code, § 851.

I.

The Government hereby gives defendant Roberto Cortez notice that it intends to present at sentencing that he has the following felony drug convictions:

A.

On or about March 21, 2002, Roberto Cortez sustained a conviction for a felony drug offense, that is, possession of a controlled substance in Case No. CR-0262-02-I in the 398th District Court of Hidalgo County, Texas.

B.

On or about February 7, 2005, Roberto Cortez sustained a conviction for a felony drug offense, that is, possession with intent to distribute more than 100 kilograms of marijuana in Case No. 1:04-cr-0584 in the United States District Court of the Southern District of Texas, Brownsville Division.

II.

The filing of this Information of Prior Conviction/Notice of Enhancement of Punishment pursuant to Title 21, United States Code, § 851 has, pursuant to Title 21, United States Code, § 841(b), the effect of increasing the statutory punishment as follows:

A.

Count 2: Conspiracy to possess with intent to distribute more than 1,000 kilograms of marijuana

The enhanced punishment range is a mandatory term of life imprisonment and a fine not to exceed \$20,000,000.

B.

Count 3: Conspiracy to possess with intent to distribute more than 500 grams of cocaine
Count 17: Possession with intent to distribute more than 100 kilograms of marijuana

The enhanced punishment range is not less than 10 years and up to life imprisonment, a fine not to exceed \$8,000,000 and a term of supervised release of at least 8 years.

C.

Count 16: Possession with intent to distribute less than 500 grams of cocaine
Count 27: Possession with intent to distribute less than 500 grams of cocaine

The enhanced punishment range is not more than 30 years imprisonment, a fine not to exceed \$2,000,000 and a term of supervised release of at least 6 years.

III.

The Government requests that the Court inquire of the defendant, after conviction but before pronouncement of sentence, whether the defendant affirms or denies the previous convictions as alleged in this information and inform the defendant that any challenge to any prior conviction that is not made before sentence is imposed may not thereafter be raised to attack the sentence.

Respectfully submitted,

RYAN K. PATRICK
UNITED STATES ATTORNEY

/s/ Anibal J. Alaniz

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CERTIFICATE OF SERVICE

On June 14, 2018, the Government filed the Information of Prior Conviction/Notice of Enhancement of Punishment Pursuant to Title 21, United States Code, § 851 by ECF and sent to counsel of record.

/s/ Anibal J. Alaniz

Anibal J. Alaniz
Assistant United States Attorney